

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ISAIAH WILLIAM COIN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KELLY S. COIN,

Respondent-Appellant.

UNPUBLISHED

December 21, 2006

No. 272125

Ingham Circuit Court

Family Division

LC No. 00-065651-NA

Before: Meter, P.J., and O'Connell and Davis, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to a petition that sought termination under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This case is being decided without oral argument under MCR 7.214(E).

Respondent does not challenge the trial court's determination that a statutory ground for termination was established by clear and convincing evidence. Instead, she argues that termination of her parental rights was not in the child's best interests.

Once the court determines that a statutory ground for termination has been established, it must terminate the respondent's parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's best interests decision for clear error. *Id.*, pp 356-357; *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Respondent argues that it was in the child's best interests to allow respondent additional time to participate in inpatient treatment for her crack cocaine addiction.

Respondent started using crack cocaine ten years before the termination hearing, and she also has a lengthy criminal history that began about that time. She admitted using crack cocaine at the beginning and end of her pregnancy. After the child was removed from respondent's care, respondent participated in drug and alcohol testing for three or four weeks, until the end of November 2005, but then relapsed and began using crack cocaine "[p]retty much daily" until she was incarcerated in January 2006. After she was released in February 2006, she attended NA and AA and was "clean" for almost thirty days before she again relapsed. She resumed using

drugs on “pretty much” a daily basis until she was arrested again in June 2006. Her last contact with the social worker before the termination hearing was when he visited her in jail in February 2006. At the time of the termination hearing, respondent was incarcerated for other criminal matters.

In light of respondent’s longstanding and unresolved addiction and criminal behavior, there was no reason to believe that the child would benefit by giving respondent more time. The trial court did not clearly err in determining that termination of respondent’s parental rights was not clearly contrary to the child’s best interests.

Affirmed.

/s/ Patrick M. Meter
/s/ Peter D. O’Connell
/s/ Alton T. Davis